

## THE AMENDMENTS

### In the Claims:

1. (Currently Amended) A method of selecting for a plant or portion thereof that comprises a coding region of interest, the method comprising,
  - i) providing a plant, or portion thereof comprising a first nucleotide sequence comprising, a first regulatory region in operative association with a first coding region, and an operator sequence, the first coding region encoding a tag protein ~~that is benign to the plant or portion thereof when expressed;~~
  - ii) introducing a second nucleotide sequence into the plant, or portion thereof to produce a dual transgenic plant, the second nucleotide sequence comprising,
    - a second regulatory region in operative association with a second coding region, and a third regulatory region in operative association with a third coding region, the second coding region comprising a coding region of interest ~~which does not include an antibiotic resistance or herbicide resistance selection marker,~~ the third coding region encoding a repressor capable of binding to the operator sequence thereby inhibiting expression of the first coding region; and
  - iii) selecting for the dual transgenic plant by identifying plants, or portions thereof which:
    - (a) are deficient in the tag protein;
    - (b) are deficient in expression of the first coding region; or
    - (c) have an identifiable genotype or phenotype of the dual transgenic plant associated with being deficient in the tag protein or deficient in expression of the first coding region;

wherein the first, second, and third coding regions encode proteins that confer no adaptive advantage, are benign to the plant, and are not antibiotic resistant.
2. (Original) The method of claim 1 wherein the plant or portion thereof comprises plant cells, tissue, or the entire plant.

3. (Original) The method of claim 1, wherein the plant, or portion thereof is selected from the group consisting of canola, *Brassica* spp., maize, tobacco, alfalfa, rice, soybean, pea, wheat, barley, sunflower, potato, tomato, and cotton.
4. (Original) The method of claim 1, wherein the first coding region is selected from the group consisting of a reporter protein, an enzyme, an antibody and a conditionally lethal coding region.
5. (Original) The method of claim 4, wherein the conditionally lethal coding region is selected from the group consisting of indole acetamide hydrolase, methoxinine dehydrogenase, rhizobitoxine synthase, and L-N-acetyl-phosphinothricin deacylase.
6. (Original) The method of claim 1, wherein the repressor and the operator sequence are selected from the group consisting of
  - a) Ros repressor and Ros operator sequence;
  - b) Tet repressor and Tet operator sequence;
  - c) Sin3 repressor and Sin 3 operator sequence; and
  - d) UMe6 repressor and UMe6 operator sequence.
7. (Original) The method of claim 6 wherein the repressor and the operator sequence are the Ros repressor and Ros operator sequence.
8. (Original) The method of claim 6 wherein the repressor and the operator sequence are the Tet repressor and Tet operator sequence.
9. (Cancelled)
10. (Previously Presented) The method of claim 1, wherein the coding region of interest encodes a pharmaceutically active protein selected from the group consisting of growth factors,

growth regulators, antibodies, antigens, interleukins, insulin, G-CSF, GM-CSF, hPG-CSF, M-CSF, interferons, blood clotting factors, transcriptional protein, and nutraceutical protein.

11-13. (Cancelled)

14. (Currently Amended) A method of selecting for a transgenic plant or portion thereof comprising a coding region of interest, the method comprising,

i) introducing a second nucleotide sequence into a transformed plant, or portion thereof that comprises a first nucleotide sequence to produce a dual transgenic plant, the first nucleotide sequence comprising a first regulatory region in operative association with a first coding region, and an operator sequence, the first coding region encoding a tag protein ~~that is benign to the plant or portion thereof when expressed,~~

and wherein the second nucleotide sequence comprises a second regulatory region in operative association with a second coding region, and a third regulatory region in operative association with a third coding region, the second coding region comprising a coding region of interest ~~which does not include an antibiotic resistance or herbicide resistance selection marker,~~ the third coding region encoding a repressor capable of binding to the operator sequence thereby inhibiting expression of the first coding region; and

ii) selecting for the dual transgenic plant by identifying plants, or portions thereof which:

- (a) are deficient in the tag protein;
- (b) are deficient in expression of the first coding region; or
- (c) have an identifiable genotype or phenotype of the dual transgenic plant associated with being deficient in the tag protein or deficient in expression of the first coding region;

wherein the first, second, and third coding regions encode proteins that confer no adaptive advantage, are benign to the plant, and are not antibiotic resistant.

15-29. (Cancelled)